

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, February 5, 2019**

Council Members M.C. Keegan-Ayer, President; Vice-President; Michael Blue, Steve McKay, Jessica Fitzwater, Jerry Donald, Kai Hagen were present for the meeting. Council Member Phil Dacey arrived late.

Also present were Ragen Cherney, Council Chief of Staff; Bryon Black, Assistant County Attorney; Nancy Luna, Executive Assistant and Lisa Bigelow, Recording Secretary.

Council President M.C. Keegan-Ayer called the meeting to order at 5:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the Pledge of Allegiance.

Action on the Agenda

Council Member Jessica Fitzwater moved to approve the agenda as presented. Council Member Jerry Donald seconded the motion that passed 6-0, with Council Member Phil Dacey absent.

<i>Council Members</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent/ Abstain/ Present</i>
<i>District 1 – Donald</i>	<i>X</i>		
<i>District 2 – McKay</i>	<i>X</i>		
<i>District 4 – Fitzwater</i>	<i>X</i>		
<i>District 5 – Blue</i>	<i>X</i>		
<i>At-large – Dacey</i>			<i>X</i>
<i>At-large – Hagen</i>	<i>X</i>		
<i>Presiding Officer – Keegan-Ayer</i>	<i>X</i>		

Council Member Phil Dacey arrived to the Council Meeting at 5:37 p.m.

Public Comment was heard from:

- John Gretz
- Matt Seubert

Business Items:

Budget Adjustments – Rick Harcum, Budget Office, Office of the County Executive

Council Member Jessica Fitzwater moved to approve budget adjustments as presented. Council Member Steve McKay seconded the motion that passed 7-0.

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<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>	X		
<i>Presiding Officer – Keegan-Ayer</i>	X		

Council Member Jessica Fitzwater moved to approve the Minutes for January 8, 2019, January 8, 2019, January 15, 2019, January 22, 2019, and Closed Session Minutes for January 8, 2019 and January 15, 2019 as presented. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>	X		
<i>Presiding Officer – Keegan-Ayer</i>	X		

Confirmation of County Executive's Appointments and Reappointments to Boards and Commissions

Ms. Joyce Grossnickle, Office of the County Executive, presented the appointments and reappointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation of the appointments and reappointments as presented, with the exception of the Defined Contribution Plans Committee appointment, which will be deferred to a later date.

Vote on Containment Laboratory Community Advisory Committee

Council Member Jessica Fitzwater moved to confirm the appointment of Alexi Franklin to the Containment Laboratory Community Advisory Committee to terms, as presented by staff. Council Member Kai Hagen seconded the motion that passed 7-0.

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<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>	X		
<i>Presiding Officer – Keegan-Ayer</i>	X		

Historic Preservation Commission

Council Member Jessica Fitzwater moved to confirm the appointments of Gary Baker, Mary Thompson, Steven Pippin, Joan Porter and Barbara Wyatt to the Historic Preservation Commission to terms as presented by staff. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>	X		
<i>Presiding Officer – Keegan-Ayer</i>	X		

Local Management Board

Council Member Jessica Fitzwater moved to confirm the appointment of Marie Berg to the Local Management Board to terms as presented by staff. Council Member Jerry Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>	X		
<i>Presiding Officer – Keegan-Ayer</i>	X		

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Parks and Recreation Commission

Council Member Jessica Fitzwater moved to confirm the appointment of The Honorable Brad Young to the Parks and Recreation Commission to terms as presented by staff. Council Member Steve McKay seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	<i>X</i>		
<i>District 2 – McKay</i>	<i>X</i>		
<i>District 4 – Fitzwater</i>	<i>X</i>		
<i>District 5 – Blue</i>	<i>X</i>		
<i>At-large – Dacey</i>	<i>X</i>		
<i>At-large – Hagen</i>	<i>X</i>		
<i>Presiding Officer – Keegan-Ayer</i>	<i>X</i>		

Senior Services Advisory Board

Council Member Jessica Fitzwater moved to confirm the appointment of Shelley Francella to the Senior Services Advisory Board to terms as presented by staff. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	<i>X</i>		
<i>District 2 – McKay</i>	<i>X</i>		
<i>District 4 – Fitzwater</i>	<i>X</i>		
<i>District 5 – Blue</i>	<i>X</i>		
<i>At-large – Dacey</i>	<i>X</i>		
<i>At-large – Hagen</i>	<i>X</i>		
<i>Presiding Officer – Keegan-Ayer</i>	<i>X</i>		

Substance Abuse Council

Council Member Jessica Fitzwater moved to confirm the appointment of Michelle Marshall to the Substance Abuse Council to terms as presented by staff. Council Member Steve McKay seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>	X		
<i>Presiding Officer – Keegan-Ayer</i>	X		

Sustainability Commission

Council Member Jessica Fitzwater moved to confirm the appointment of Dr. Elizabeth Van Dolah to the Sustainability Commission to terms as presented by staff. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>	X		
<i>Presiding Officer – Keegan-Ayer</i>	X		

Workforce Development Board

Council Member Jessica Fitzwater moved to confirm the appointments of Sharon Plump and Katrina Wyand-Yurish to the Workforce Development Board to terms as presented by staff. Council Member Steve McKay seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>	X		
<i>Presiding Officer – Keegan-Ayer</i>	X		

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National Capital Region Transportation Planning Board - Metropolitan Washington Council of Governments (MWCOC)

Council Member Jessica Fitzwater moved to confirm the appointment of Council Member Kai Hagen to the National Capital Region Transportation Planning Board - Metropolitan Washington Council of Governments (MWCOC), to terms as presented by staff. Council Member Steve McKay seconded the motion that passed 6-0, with Council Member Kai Hagen abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
<i>District 1 – Donald</i>	X		
<i>District 2 – McKay</i>	X		
<i>District 4 – Fitzwater</i>	X		
<i>District 5 – Blue</i>	X		
<i>At-large – Dacey</i>	X		
<i>At-large – Hagen</i>			X
<i>Presiding Officer – Keegan-Ayer</i>	X		

Monocacy River Plan Presentation

Mr. Jim Gugel, Director, Planning and Permitting Division and Mr. Tim Goodfellow, Principal Planner II, Planning and Permitting Division, presented an overview of the Monocacy River Plan.

Item VIII – Maryland General Assembly Legislative Items were held until after the Public Hearing. The Council took a 10 minute break at 6:55 p.m. and reconvened at 7:05 p.m.

Public Hearing:

To Consider Bill No. 19-01 and Accompanying Resolution 19-01 Regarding the Revisions to the Frederick County Employees Retirement Plan: Grant Funded Employees - Council President M.C. Keegan-Ayer (on behalf of the County Executive)

A public hearing was held, as duly advertised, on Bill No. 19-01 and Accompanying Resolution 19-01.

Lori Depies, Finance Director, Office of the County Executive, reviewed proposed Bill No. 19-01 and Accompanying Resolution 19-01 Regarding the Revisions to the Frederick County Employees Retirement Plan: Grant Funded Employees that would amend the Frederick County Employees Retirement Plan to make certain revisions to the Plan to: (1) provide for participation in the Plan by “grant funded” employees and to specify the types of service credit awarded to grant funded employees, and (2), make other nonsubstantive changes. And a

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RESOLUTION concerning: Termination of Frederick County, Maryland Defined Contribution Plan effective July 1, 2019

Public comment was heard from:

- None

To Consider Bill No. 19-02 Regarding the Revisions to the Frederick County Employees Retirement Plan: Interest on Employee Contributions – Terminated Non-Vested Employees – Council President M.C. Keegan-Ayer (on behalf of the County Executive)

A public hearing was held, as duly advertised, on Bill No. 19-02.

Lori Depies, Finance Director, Office of the County Executive, reviewed proposed Bill No. 19-02 Regarding the Revisions to the Frederick County Employees Retirement Plan: Interest on Employee Contributions – Terminated Non-Vested Employees that would amend the Frederick County Employees Retirement Plan to make certain revisions to the Plan to: (1) provide that a former employee who terminates County employment without a vested interest in a future retirement benefit will not have interest credited to his or her Employee Contributions Benefit as of the later of (A) July 1, 2019, or (B) the first day of the Plan Year that occurs at least twelve months following the former employee's Termination Date, and (2) make other nonsubstantive changes. .

Public comment was heard from:

- None

To Consider Bill No. 19-03 Regarding the Revisions to the Frederick County Employees Retirement Plan: Internal Revenue Service (IRS) Requested Change - Council President M.C. Keegan-Ayer on behalf of the County Executive)

A public hearing was held, as duly advertised, on Bill No. 19-03.

Lori Depies, Finance Director, Office of the County Executive, reviewed proposed Bill No. 19-03 Regarding the Revisions to the Frederick County Employees Retirement Plan: Internal Revenue Service (IRS) Requested Change that would amend the Frederick County Employees Retirement Plan to make certain revisions to the Plan to: (1) clarify that a Beneficiary of a Participant who dies while absent from employment due to Military Service will be entitled to ordinary death benefits as if the Participant had returned to employment before his or her death, (2) to clarify that direct rollovers of lump sum distributions of employee contributions by non-spouse Beneficiaries may only be made to inherited individual retirement accounts, and (3) make other nonsubstantive changes .

Public comment was heard from:

- None

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To Consider Bill No. 19-04 Regarding the Revisions to the Frederick County Employees Retirement Plan: Ad Hoc Cost of Living Adjustment - Council President M.C. Keegan-Ayer (on behalf of the County Executive)

A public hearing was held, as duly advertised, on Bill No. 19-04

Lori Depies, Finance Director, Office of the County Executive, reviewed proposed Bill No. 19-03 Regarding the Revisions to the Frederick County Employees Retirement Plan: Ad Hoc Cost of Living Adjustment that would amend the Frederick County Employees Retirement Plan to make certain revisions to the Plan to: (1) provide for “ad hoc” cost of living adjustment to retirees’ benefits phased in over three years ranging from a total adjustment of three percent (3%) to five percent (5%) of the retirees’ monthly benefit payment, depending on the date of retirement. The phased in ad hoc cost of living adjustment is in addition to the annual one percent (1%) cost of living adjustment; (2) provide that additional cost of living adjustments will be evaluated at least once every three years following the adoption of this amendment and in conjunction with the annual actuarial valuation of the Plan, (3) make other nonsubstantive changes.

Public comment was heard from:

- Michael Gasley
- Ronnie Hart

Maryland General Assembly Legislative Items

Legislative Consideration: 19-01

Council Member Fitzwater moved to support State Legislation SB 187 and HB 383 which would establish a Bio-Safety Level 3 (BSL-3) Lab Safety Program within the Department of Health and Mental Hygiene. Council Member Kai Hagen seconded the motion that passed 6-0, with Council Member Phil Dacey abstained.

<i>Council Members</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent/ Abstain/ Present</i>
<i>District 1 – Donald</i>	<i>X</i>		
<i>District 2 – McKay</i>	<i>X</i>		
<i>District 4 – Fitzwater</i>	<i>X</i>		
<i>District 5 – Blue</i>	<i>X</i>		
<i>At-large – Dacey</i>			<i>X</i>
<i>At-large – Hagen</i>	<i>X</i>		
<i>Presiding Officer – Keegan-Ayer</i>	<i>X</i>		

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Legislative Consideration: 19-02

Council Member Phil Dacey moved to table Senate Bill 99 until the following week. The motion was made and did not receive a second and so was not before the Council.

Council Member Jerry Donald moved to oppose Senate Bill 99. Council Member Kai Hagen seconded the motion that passed 6-0, with Council Member Phil Dacey opposed.

<i>Council Members</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent/ Abstain/ Present</i>
<i>District 1 – Donald</i>	<i>X</i>		
<i>District 2 – McKay</i>	<i>X</i>		
<i>District 4 – Fitzwater</i>	<i>X</i>		
<i>District 5 – Blue</i>	<i>X</i>		
<i>At-large – Dacey</i>		<i>X</i>	
<i>At-large – Hagen</i>	<i>X</i>		
<i>Presiding Officer – Keegan-Ayer</i>	<i>X</i>		

Public Comment was heard from:

- John Gretz

Council Member Comments

Council Member comments were provided.

Adjourn

The meeting adjourned at 8:10 p.m.

M.C. Keegan-Ayer, President
County Council